

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SYBASE INC.

§

§

v.

§

CIVIL ACTION NO. 6:08-cv-24 [LED]

§

VERTICA SYSTEMS, INC.

§

JURY TRIAL DEMANDED

ORDER GRANTING JOINT MOTION FOR ENTRY OF AGREED STIPULATION

Having considered the Motion for Entry of Agreed Stipulation, and that it is joint, the Court hereby **GRANTS** the relief requested and:

1. **ORDERS** that Plaintiff Sybase Inc.'s Cross-Motion for Partial Summary Judgment of No Anticipation of Claim 1 by the RAPID Article (Turner, Hammond, Cotton, "A DBMS for Large Statistical Databases," Proceedings of VLDB 1979, Rio de Janeiro, Brazil, pp. 319-327) based on the "Vertically Partitioning" Element (Dkt. 134), and the relief requested therein, is hereby **WITHDRAWN**. The clerk shall remove the motion and responses/replies to the motion from the Court's docket.

2. **ORDERS** that pages used in the parties' briefing on the motion shall not be counted towards either party's total page limitations under L.R. CV-7(a)(1).

3. Recognizes the parties' stipulation (for different reasons) that the following article cannot anticipate the claims of the '229 patent as a matter of law: Turner, Hammond, Cotton, "A DBMS for Large Statistical Databases," Proceedings of VLDB 1979, Rio de Janeiro, Brazil, pp. 319-327 ("RAPID Article").

So ORDERED and SIGNED this 30th day of November, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**